

106TH CONGRESS
1ST SESSION

H. R. 2130

To amend the Controlled Substances Act to add gamma hydroxybutyric acid and ketamine to the schedules of control substances, to provide for a national awareness campaign, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 1999

Mr. UPTON (for himself, Mr. STUPAK, Ms. JACKSON-LEE of Texas, and Mr. BLILEY) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Controlled Substances Act to add gamma hydroxybutyric acid and ketamine to the schedules of control substances, to provide for a national awareness campaign, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Hillory J. Farias Date-
5 Rape Prevention Drug Act of 1999”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) Gamma hydroxybutyric acid (also called G,
4 Liquid X, Ecstasy, Grievous Bodily Harm, Georgia
5 Home Boy, Scoop) has become a significant and
6 growing problem in law enforcement. At least 20
7 States have scheduled such drug in their drug laws
8 and law enforcement officials have been experiencing
9 an increased presence of the drug in driving under
10 the influence, sexual assault, and overdose cases es-
11 pecially at night clubs and parties.

12 (2) A behavioral depressant and a hypnotic,
13 Gamma hydroxybutyric acid is being used in con-
14 junction with alcohol and other drugs with detri-
15 mental effects in an increasing number of cases. It
16 is difficult to isolate the impact of such drug's inges-
17 tion since it is so typically taken with an ever-chang-
18 ing array of other drugs and especially alcohol which
19 potentiates its impact.

20 (3) Gamma hydroxybutyric acid takes the same
21 path as alcohol, processes via alcohol dehydrogenase,
22 and its symptoms at high levels of intake and as im-
23 pact builds are comparable to alcohol ingestion/in-
24 toxication. Thus, aggression and violence can be ex-
25 pected in some individuals who use such drug.

1 **SEC. 3. ADDITION OF GAMMA HYDROXYBUTYRIC ACID AND**
2 **KETAMINE TO SCHEDULES OF CONTROLLED**
3 **SUBSTANCES; GAMMA BUTYROLACTONE AS**
4 **ADDITIONAL LIST I CHEMICAL.**

5 (a) ADDITION TO SCHEDULE I.—

6 (1) IN GENERAL.—Section 202(c) of the Con-
7 trolled Substances Act (21 U.S.C. 812(c)) is amend-
8 ed by adding at the end of schedule I the following:

9 “(d) Unless specifically excepted or unless listed in
10 another schedule, any material, compound, mixture, or
11 preparation which contains any quantity of the following
12 substances having a depressant effect on the central nerv-
13 ous system:

14 “(1) Gamma hydroxybutyric acid and its
15 salts.”.

16 (2) RULE OF CONSTRUCTION.—With respect to
17 the schedules of controlled substances under section
18 202(c) of the Controlled Substances Act, the amend-
19 ment made by paragraph (1) may not be construed
20 as prohibiting the Attorney General from exercising
21 the authority under section 201(a) of such Act to
22 transfer gamma hydroxybutyric acid and its salts
23 from schedule I to another schedule in the event
24 that the Attorney General makes with respect to
25 such drug and its salts the findings required in sec-
26 tion 202(b) of such Act for such other schedule.

1 (b) ADDITION TO SCHEDULE III.—Schedule III
 2 under section 202(c) of the Controlled Substances Act (21
 3 U.S.C. 812(c)) is amended in (b)—

4 (1) by redesignating (4) through (10) as (5)
 5 through (11), respectively; and

6 (2) by inserting after (3) the following:

7 “(4) Ketamine and its salts, isomers, and salts
 8 of isomers.”.

9 (c) ADDITIONAL LIST I CHEMICAL.—Section 102(34)
 10 of the Controlled Substances Act (21 U.S.C. 802(34)) is
 11 amended—

12 (1) by redesignating subparagraph (X) as sub-
 13 paragraph (Y); and

14 (2) by inserting after subparagraph (W) the fol-
 15 lowing subparagraph:

16 “(X) Gamma butyrolactone.”.

17 **SEC. 4. ANNUAL REPORT REGARDING DATE-RAPE DRUGS;**
 18 **NATIONAL AWARENESS CAMPAIGN.**

19 (a) ANNUAL REPORT.—The Secretary of Health and
 20 Human Services (in this section referred to as the “Sec-
 21 retary”) shall periodically submit to the Congress reports
 22 each of which provides an estimate of the number of inci-
 23 dents of the abuse of date-rape drugs (as defined in sub-
 24 section (c)) that occurred during the most recent one-year
 25 period for which data are available. The first such report

1 shall be submitted not later than January 15, 2000, and
2 subsequent reports shall be submitted annually thereafter.

3 (b) NATIONAL AWARENESS CAMPAIGN.—

4 (1) DEVELOPMENT OF PLAN; RECOMMENDA-
5 TIONS OF ADVISORY COMMITTEE.—

6 (A) IN GENERAL.—The Secretary, in con-
7 sultation with the Attorney General, shall de-
8 velop a plan for carrying out a national cam-
9 paign to educate individuals described in sub-
10 paragraph (B) on the following:

11 (i) The dangers of date-rape drugs.

12 (ii) The applicability of the Controlled
13 Substances Act to such drugs, including
14 penalties under such Act.

15 (iii) Recognizing the symptoms that
16 indicate an individual may be a victim of
17 such drugs, including symptoms with re-
18 spect to sexual assault.

19 (iv) Appropriately responding when an
20 individual has such symptoms.

21 (B) INTENDED POPULATION.—The individ-
22 uals referred to in subparagraph (A) are young
23 adults, youths, law enforcement personnel, edu-
24 cators, school nurses, counselors of rape vic-

1 tims, and emergency room personnel in hos-
2 pitals.

3 (C) ADVISORY COMMITTEE.—Not later
4 than 180 days after the date of the enactment
5 of this Act, the Secretary shall establish an ad-
6 visory committee to make recommendations to
7 the Secretary regarding the plan under sub-
8 paragraph (A). The committee shall be com-
9 posed of individuals who collectively possess ex-
10 pertise on the effects of date-rape drugs and on
11 detecting and controlling the drugs.

12 (2) IMPLEMENTATION OF PLAN.—Not later
13 than 180 days after the date on which the advisory
14 committee under paragraph (1) is established, the
15 Secretary, in consultation with the Attorney General,
16 shall commence carrying out the national campaign
17 under such paragraph in accordance with the plan
18 developed under such paragraph. The campaign may
19 be carried out directly by the Secretary and through
20 grants and contracts.

21 (3) EVALUATION BY GENERAL ACCOUNTING OF-
22 FICE.—Not later than two years after the date on
23 which the national campaign under paragraph (1) is
24 commenced, the Comptroller General of the United
25 States shall submit to the Congress an evaluation of

1 the effects with respect to date-rape drugs of the na-
2 tional campaign.

3 (c) DEFINITION.—For purposes of this section, the
4 term “date-rape drugs” means gamma hydroxybutyric
5 acid and its salts and such other drugs or substances as
6 the Secretary, after consultation with the Attorney Gen-
7 eral, determines to be appropriate.

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